THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24188 OF 2005

-

Dt:11.11.2005

Between:

-

G.Madhavaiah

… Petitioner

and

The Government of A.P., and others

… Respondents

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24188 OF 2005

ORDER:

The petitioner was employed as a Steno in the office of the Joint Director, Animal Husbandry, Nellore District against a vacancy reserved in favour of the scheduled caste candidates. Complaints were made to the effect that the petitioner had embraced Christianity. The District Collector, Nelore, initiated proceedings against the petitioner under A.P (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short 'the

Act'). The District Development Committee has undertaken enquiry and submitted a report to the effect that the petitioner is a Christian and based on the same, the second respondent passed an order, dated 08.11.2003, cancelling the caste certificate of the petitioner.

The petitioner initially approached the A.P. Administrative Tribunal by filing O.A.No.7905 of 2003. The O.A. was disposed of recently, leaving it open to the petitioner to prefer an appeal before the first respondent, under the provisions of the Act. The petitioner claims to have preferred an appeal. His grievance is that the first respondent has neither disposed of the appeal nor passed any interim order and on account of the same, he is facing threat to his employment and seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Petitioner availed the remedy of appeal against the order, dated 08.11.2003, passed by the second respondent. It is represented that for the past two years, the matter was pending before the A.P. Administrative Tribunal and there exists an order of stay in his favour. The appeal was presented as recently as on 28.10.2005. It cannot be said that there was any delay, much less, undue delay on the part of the first respondent in attending the same. Be that as it may, if the actions contemplated under the order, dated 08.11.2003, are taken against the petitioner, the very appeal may become infructuous.

For the foregoing reasons, the writ petition is disposed of, directing that the first respondent shall dispose of the appeal, as early as possible, but within four months from the date of receipt of a copy of this order. During the pendency of the appeal, *Status quo* obtaining as on today, as regards the employment of the petitioner, shall be maintained, but he shall not be extended any benefit available to S.C. candidates, be it as a matter of promotion or other conditions of service.

11.11.2005

Note: Issue C.C. in three days

(B/o)

kdl